

NOTIFICATION OF TRANSMITTAL OF COPIES OF TRANSLATION OF THE INTERNATIONAL PRELIMINARY **EXAMINATION REPORT**

6-1, Ohtemachi 1-chome Chiyoda-ku, Tokyo 100-8185 JAPON (PCT Rule 72.2)

KYOWA HAKKO KOGYO CO., LTD

Date of mailing (day/month/year) 21 April 2005 (21.04.2005)

Applicant's or agent's file reference 1496

International application No. PCT/JP2003/008478 IMPORTANT NOTIFICATION

International filing date (day/month/year) 03 July 2003 (03.07.2003)

Applicant

KYOWA HAKKO KOGYO CO., LTD. et al

Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

AZ, CA, CH, CN, CO, EP, GH, KG, KR, MK, MZ, RO, RU, TM

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, BA, BB, BG, BR, BY, BZ, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, ES, FI, GB, GD, GE, GM, HR, HU, ID, IL, IN, IS, JP, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PG, PH, PL, PT, SC, SD, SE, SG, SK, SL, SY, TJ, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland

Authorized officer

Masashi Honda

Facsimile No.+41 22 740 14 35

Facsimile No.+41 22 338 70 10

Translation

PATENT COOPERATION TREA



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	FOR FURTHER ACTION	See Notific Preliminary	cation of Transmittal of International Examination Report (Form PCT/IPEA/416)
International application No. PCT/JP2003/008478	nternational filing date (day/ 03 July 2003 (03.07		Priority date (day/month/year) 03 July 2002 (03.07.2002)
International Patent Classification (IPC) or nation C07D 317/72, A61K 31/357, A61I 25/28, 29/00, 31/18, 37/02, 37/08,	? 1/04, 3/10, 9/02, 9/0 4 , 9	/10, 11/02, 11 21, 65/03	./06, 13/12, 17/02, 17/06, 25/24,
Applicant KY	OWA HAKKO KOGY	O CO., LT	D.
and is transmitted to the applicant acc 2. This REPORT consists of a total of	6 sheets, included the sheets of the sheets	ding this cover	ion claims and/or drawings which have been
amended and are the basis for 70.16 and Section 607 of the A	this report and/or sheets con Administrative Instructions u	nder the PCT).	Muons made before and readerly (
3. This report contains indications relat	ng to the following items:		
I Basis of the report			
II Priority	f oninion with regard to nov	elty, inventive	step and industrial applicability
III Lack of unity of inve			
V Reasoned statement citations and explan	ations supporting such such	ard to novelty, nent	inventive step or industrial applicability;
VI Certain documents of	e international application		
VII □	s on the international applica	ıtion	
Date of submission of the demand	Da	te of completion	on of this report
25 December 2003 (25.	2.2003)		02 July 2004 (02.07.2004)
Name and mailing address of the IPEA/JP	Aı	nthorized office	er .
Facsimile No.	Te	elephone No.	

Form PCT/IPEA/409 (cover sheet) (July 1998)



International application No.

PCT/JP2003/008478

	of the report	
With	regard to the elements of the international application:*	
\boxtimes	the international application as originally filed	·
	the description:	
	pages	, as originally filed , filed with the demand
	pages	
	pages	, filed with the letter of
\Box	the claims:	
	pages	, as originally filed
٠.	pages	, as amended (together with any statement under Article 19
	pages	, filed with the demand
	pages	filed with the letter of
\Box	the drawings:	
ш		, as originally filed
	pages	, filed with the demand
	pages	, filed with the letter of
	the sequence listing part of the description:	, as originally filed
	pages	
	pages	, filed with the letter of, filed with the demand
	or 55.3). ith regard to any nucleotide and/or amino acid section of the section	es of international search (under Rule 23.1(b)). ation (under Rule 48.3(b)). poses of international preliminary examination (under Rule 55.2 and quence disclosed in the international application, the international sequence listing: orm. mputer readable form. readable form. readable form. ritten sequence listing does not go beyond the disclosure in the sequence in the sequence in the sequence in the sequence is the sequence is the sequence is the sequence in the sequence is the sequence in the sequence is the sequence is the sequence is the sequence in the sequence is the sequence is the sequence is the sequence in the sequence is the sequ
	The statement that the information recorded in corbeen furnished.	mputer readable form is identical to the written sequence listing h
4. [The amendments have resulted in the cancellation of: the description, pages the claims, Nos. the drawings, sheets/fig	_ _
5. [This report has been established as if (some of) the a beyond the disclosure as filed, as indicated in the Sup	amendments had not been made, since they have been considered to uplemental Box (Rule 70.2(c)).**
· in	this report as "originally filed" and are not annexed and 70.17).	iving Office in response to an invitation under Article 14 are referred to this report since they do not contain amendments (Rule 70.
** A	ny replacement sheet containing such amendments must b	e referred to under item 1 and annexed to this report.

1	tional	application 1	No.

PCT/JP2003/008478

/. L	ack of unity of invention	
In	response to the invitation to restrict or pay additional fees the applicant has:	
	restricted the claims.	
	paid additional fees.	
	paid additional fees under protest.	
 	neither restricted nor paid additional fees.	
. •		
	This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.	
Tì	his Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is	
	complied with.	
.[2	not complied with for the following reasons:	
, ·		
	See supplemental sheet	
•		
	en de la composition de la composition La composition de la	
:		
		•
٠.		
.•		
4	Consequently, the following parts of the international application were the subject of international preliminary examination	
₹.	in establishing this report:	
	all parts.	
	the parts relating to claims Nos	

International application No. PCT/JP 03/08478

Supplemental Box

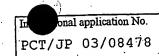
(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: IV. 3.

The claims set forth the following two groups of inventions.

- (1) The inventions set forth in claims 1-8, of a process for producing compounds represented by formula (VII) from a compound represented by formula (V).
- (2) The inventions set forth in claims 9-11, of a process for producing compounds represented by formula (II) from a compound represented by formula (I).

The inventions in (1) and the inventions in (2) above do not have a common technical feature, and cannot be said to constitute a group of inventions so linked as to form a single general inventive concept.



v.	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement						
1.	Statement			•			
	Novelty (N)	Claims	1, 6-8	YES			

Industrial applicability (IA)

Claims

YES

NO

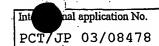
Citations and explanations

The following document is cited in the international search report.

Document 1: EP 0771794 A1

Document 1 discloses a process for producing 1,3-benzodioxole-4-(aromatic substituted)methyl-2-spiro-cycloalkanes by reacting a (1,3-benzodioxole-2-spiro-cycloalkane)-4-carboxylic acid ester with a methyl-substituted aromatic compound. Therefore, the novelty and inventive step of the production processes claimed in claims 2-5, as stipulated in PCT Article 33(2) and (3), are taken away by the disclosure in document 1.

However, document 1 does not disclose a production process claimed in claims 1 and 6-8, which is a process for producing 1,3-benzodioxole-2-spirocycloalkane derivatives which includes a step wherein a 2,3-dihydroxy-benzoic acid derivative is reacted with a cycloalkene derivative. Moreover, by adopting an aforementioned step, the process for producing 1,3-benzodioxole-2-spirocycloalkane derivatives as set forth in claims 1 and 6-8 offers the marked advantageous effect that isolation and purification of the intermediates is easy, since it does



not involve intermediates which are oils and are difficult to handle, and this advantage is not obvious to a person skilled in the art, even when general knowledge of the art is considered. Therefore, process for producing 1,3-benzodioxole-2-spirocycloalkane derivatives as set forth in claims 1 and 6-8 is novel and involves an inventive step as stipulated in PCT Article 33(2) and (3).